

Eligibility for Advice and Representation

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Introduction

Thank you for your enquiry to the BASW / SWU Advice and Representation service. We want to ensure that we provide you with the best possible service and, to do so, we have set out the remit of our support based on our eligibility criteria.

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Advice and Representation

New members become eligible for advice and representation after **one month** of membership for any **new issue** that arises. For example, if you joined on the 1st of January, you would become eligible for a **new** issue on 1st February.

Issues or matters already in place when you join are known as **pre-existing** issues and are not eligible for advice or representation. And, as above, new issues that present in the first month of joining are also ineligible.

Please note that pre-existing issues or issues that arise in the first month of membership **do not ever become eligible for advice or representation.**

If the pre-existing or any issue arising in the first month subsequently leads to a **formal process** (for example grievance, disciplinary or regulatory processes) that formal process **remains ineligible for representation.**

Our eligibility criteria are in place to ensure fairness and value to every member, many of whom may have been paying membership fees for years and have never required individual advice or representation.

The consistent and fair application of eligibility criteria is vital to ensure that longer serving members, who have joined for collective or other reasons - and not just when a problem has come up, are not disadvantaged.

It is worthy of note that being a member of a union or a professional body confers a range of benefits, individual advice and representation being just one element of the many opportunities provided by BASW and SWU.

Advice and Representation Service

Telephone – 0121 6228413

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Recognition by Employers

It is important to note that if you are a member of BASW but not of SWU, some employers may not allow your BASW representative to accompany you to a meeting. If you are also a member of SWU, however, the employer cannot deny you that representation. This is because Section 10 of the Employment Rights Act 1999 creates a statutory right for a worker to be accompanied by a fellow worker or a trade union official of their choice during grievance and disciplinary hearings.

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As a BASW member, you can receive advice about employment and fitness to practice processes. You may also receive representation at formal employment hearings, providing the employer permits representation by your BASW representative.

As a BASW member, you can receive advice and representation at fitness to practice processes for the 4 UK regulators. This is because representation can be provided by a representative from a professional association, a union official or from a solicitor.

SWU Eligibility

Whilst BASW and SWU are closely linked, they are separate organisations with different eligibility criteria and membership rules. Both require a one-month waiting period before offering advice and representation. To clarify:

1. Joining BASW & SWU together – If you join both BASW and SWU at the same time, the eligibility periods for each organisation begin from your joining date and run concurrently.
2. Joining BASW only – If you join BASW without SWU, there is a one-month waiting period before you can receive advice or representation from BASW. Additionally, as noted above, your employer may refuse accompaniment from a BASW representative if you are not also a SWU member.
3. Joining SWU after BASW – If you join BASW first and later decide to add SWU membership, a new one-month waiting period will apply from the date you join SWU.

Exception to the SWU eligibility rules

If you have recently joined SWU and have been a BASW member continuously from or prior to September 2017 the additional one-month waiting period for union advice and representation does not apply.

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